

ARLINGTON PUBLIC SCHOOLS

In accordance with the provisions of the Massachusetts General laws, Chapter 30A, Section 20, notice is hereby given for the following meeting of the:

***Arlington School Committee
Standing Subcommittee: Policies and Procedures
Tuesday, December 13, 2016
5:30 PM***

*Arlington High School
School Committee Room
869 Mass Avenue, 6th Floor
Arlington, MA 02476*

Open Meeting

Attendance:

Public Participation

Approve minutes of November 30, 2016

Review questions put to MASC regarding contract

- *Is the hosting fee 2nd year included in total fee?*
- *Will legal analysis be provided in the fee?*
- *Do we, Arlington School Committee have a contractual prohibition from using MASC in our contract with SCM?*
- *Will MASC Begin with the policies we have identified as priority?*

Decide on recommendation to full committee on MASC and contract, policy 21 contract.

File: IHAMB Teaching about Alcohol, Tobacco, and Drugs bring forward 2nd reading

Discuss File: KEC Public Complaints about the Curriculum or Instructional Materials and decide if changes are necessary or leave as is.

DGA Authorized Signatures, Single signer vendor-review 12/8/16 full committee direction and draft policy if necessary

- *File DGA Authorized Signatures*

Discuss draft for recycle policy

New Business

- *Student Activity Fee*

Determine time and date for next meeting after Jan 11, 2017 at 5:30 pm

Adjournment

The listings of matters are those reasonably anticipated by the Chair; which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.

Stated times and time amounts, listed in parenthesis, are the estimated amount of time for that particular agenda item. Actual times may be shorter or longer depending on the time needed to fully explore the topic.

Submitted by Bill Hayner, Chair



Town of Arlington, Massachusetts

Approve minutes of November 30, 2016

ATTACHMENTS:

Type	File Name	Description
 Minutes	Draft_minutes_11_30_16.docx	Draft minutes 11 30 2016

ARLINGTON PUBLIC SCHOOLS

In accordance with the provisions of the Massachusetts General laws, Chapter 30A, Section 20, notice is hereby given for the following meeting of the:

Arlington School Committee
School Committee Meeting
Thursday, November 30, 2016
5:30 PM
Policies and Procedures Subcommittee

School Committee Room, 6th Floor
869 Mass Avenue, Arlington, MA

1. Open Meeting: 5:34 pm
2. Attendance: Bill Hayner, Kirsi Allison-Ampe, Paul Schlichtman, Rob Spiegle
Charlotte Milan
3. Public Participation Discussion on recycling policy for schools
Sample to Kathy and Town Council
4. Approve minutes of November 9, 2016 meeting approve as amended
5. Review questions put to MASC and responses regarding Policy Book review by MASC – all
members were satisfied with the responses given by MASC
6. Decide on recommendation to full committee on MASC and contract, policy 21 contract.
Before going to the full committee members want answers to the following:
 - a. Is the hosting fee 2nd year included in total fee?
 - b. Will legal analysis be provided in the fee?
 - c. Do we, Arlington School Committee have a contractual prohibition from using
MASC in our contract with SCM?
 - d. Will MASC begin with the policies we have identified as priority?
7. Discuss counsel's response to File: IHAMB
[IHAMB](#) as amended bring forward 1st reading
8. Discuss File: KEC postpone till Kathy share her thoughts on process?
9. Single signer vendor warrant policy – Members decided to have further discussion with full
committee on the reason for single signer vs. fiduciary responsibility of committee members
10. New business
11. Determine time and date of next meeting Jan 11, 2017 at 5:30 pm
12. Adjournment at 6:32

The listings of matters are those reasonably anticipated by the Chair, which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.

Stated times and time amounts, listed in parenthesis, are the estimated amount of time for that particular agenda item. Actual times may be shorter or longer depending on the time needed to fully explore the topic.

Submitted by Bill Hayner, Chair of Subcommittee

DRAFT



Town of Arlington, Massachusetts

Review questions put to MASC regarding contract

Summary:

- Is the hosting fee 2nd year included in total fee?
- Will legal analysis be provided in the fee?
- Do we, Arlington School Committee have a contractual prohibition from using MASC in our contract with SCM?
- Will MASC Begin with the policies we have identified as priority?

ATTACHMENTS:

Type	File Name	Description
▢ Reference Material	MASC_responses__12_13_2016.docx	MASC Responses 12 13 2016
▢ Contract	SCM_renewal_proposal_12_2016.pdf	SCM Contract

1. Is the hosting fee 2nd year included in total fee?

Hosting fee - As we previously discussed, the billing for the policy review is \$10,500 and it can be spread over up to three fiscal years (\$3500 per year). For the online policy service, the first year (this is not billed until we actually put the manual up) billing is \$3500. This includes the cost of conversion, the hosting fee, and unlimited updates. The second year and each subsequent year you will be billed \$950 for hosting costs and unlimited updates.

2. Will legal analysis be provided in the fee?

Legal analysis – All of MASC's sample policies undergo review by our legal counsel, Steve Finnegan, and some are also reviewed or written in consultation with DESE or other state administration (DPH, AG, Ethics Commission, etc.) attorneys. If there is a question about the legality of an Arlington written policy we would prefer that the district's legal counsel review but on occasion I have asked Steve to review one off policies, especially if I or the Committee I'm working with are unsure of legal issues.

3. Will MASC begin with the policies we have identified as priority?

Our general rule is to do this process section by section. We can generally cover 2 sections in a 2 hour meeting with a couple of exceptions (A and B, C and D, E and F, G and H, I, J, K and L so we plan on 7-8 meetings) From a process standpoint we have 1 person working on ALL the manuals we are handling (we usually have 10-12 going on at once) and she does preparation section by section depending upon priorities provide by the field staff working with districts. The field staff schedule meetings every 4-6 weeks with districts and we let our staff person know when we need the sections and she can prioritize the work. We don't wait until a full manual is prepared to begin work so while we are working on sections A and B with a district she will be working on sections C and D. All of this having been said, if there are known holes or deficiencies we can certainly address them as we move through the manual. In fact, if I find a place where you are legally required to have a policy or you have a policy that is illegal, I will ask you to take a policy change to the full committee immediately so the Committee is able to quickly address it. Frankly, we think using this process insures that your manual is done in a comprehensive way and neither you nor we miss anything resulting in a quality outcome.

STONEMAN, CHANDLER & MILLER LLP

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KATIE A. MEINELT
SARA CEDERHOLM

MIRIAM K. FREEDMAN
OF COUNSEL
RECEIVED

July 1, 2016

AUG 10 2016

ACCOUNTS PAYABLE

Invoice Number ARLING 09000

Arlington Schools
869 Massachusetts Avenue
Arlington, MA 02174
Attn: Supt. Kathleen Bodie

TO
STONEMAN, CHANDLER & MILLER LLP

Tax Id # 04-2035171

RETAINER - LR, SPED & SL

Semi-annual retainer for professional services rendered for the
period July 1, 2016 to December 31, 2016.

\$25,000.00

Kathleen Bodie 8/8/16

PC#	693517	74061
ACCT #	02606905-83102-1430	
AMOUNT	25,000.00	
DATE	Retainer 7/1-12/31/16	07-01-16
WA	17023	08-11-16

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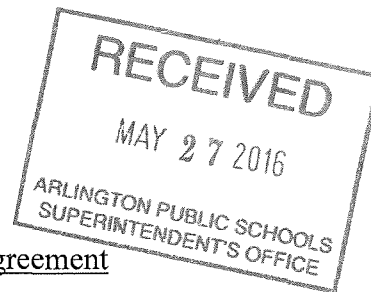
JOHN M. SIMON
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MIRIAM K. FREEDMAN
OF COUNSEL

May 24, 2016

Personal and Confidential

Kathleen Bodie, Superintendent
Arlington Public Schools
869 Massachusetts Avenue
Arlington, MA 02476



Re: Legal Services Agreement

Dear Kathy:

I write in anticipation of the Arlington School Committee's consideration of a renewal of the Legal Services Agreement with Stoneman, Chandler & Miller. For the past three years, the School Committee has retained the firm's legal services under a \$40,000 annual retainer agreement. Per the terms of the retainer agreement, it was anticipated that the firm would bill Arlington at a reduced hourly rate of \$190 if the volume of legal work in a given year surpassed \$70,000, calculated at that rate. In fact, the volume of work exceeded \$70,000 in each of the past three years. Each year the firm performed 158 hours of work for which we were not compensated, for a total of 474 hours of unremunerated work amounting to \$90,000 over the life of the retainer agreement.

Despite this history, in light of the longstanding relationship between Stoneman, Chandler & Miller and Arlington, we propose a three year retainer from July 1, 2016 through June 30, 2019 with a modest increase of \$10,000 to \$50,000 per year, while keeping the same \$70,000 trigger for hourly billing at \$190 per hour. Attached is a summary of the special education and general education services that are covered by the retainer.

We will provide the School Committee with monthly invoices documenting the work performed under the retainer in six minute (1/10th of an hour) increments. These entries will be in sufficient detail to track the nature of the activity and the Arlington employees with whom we worked. Information related to specific students and/or Arlington employees will be reported subject to the confidentiality requirements of student record regulations and other applicable regulations and/or agreements.

Approved
Kathleen Bodie 5/27/16

Kathleen Bodie, Superintendent

May 24, 2016

Page 2

Legal services surrounding Stoneman, Chandler & Miller's representation of the School Committee in courts and before administrative agencies such as the Bureau of Special Education Appeals, the Massachusetts Department of Elementary and Secondary Education and the Office for Civil Rights are not covered by the retainer and will be billed at the reduced rate of \$190 per hour. Monthly invoices will be provided in the same form as those under the retainer.

Under this retainer agreement, the School Committee agrees to refer all requests for legal services in special education and general education matters, both under the retainer and hourly, exclusively to the firm.

Alternatively, in lieu of a retainer, we will provide all special education and general education services at the standard rate of \$220 per hour, providing monthly invoices in the manner above.

As has been the case during the past three years, the attorneys in our school group will be available to provide legal assistance and support in general and special education matters going forward. We are hopeful that Katie Meinelt will be returning in September to resume her place on the team.

Please give me a call if you have any questions or would like to discuss the proposal above. I look forward to hearing from you.

Very truly yours,

A handwritten signature in dark ink, appearing to read 'AS Miller', with a stylized flourish at the end.

Alan S. Miller

ASM:cc

Enclosure

cc: Jennifer Susse, School Committee Chair

**Special Education and General Education Legal Services
Provided Under the Retainer**

Special Education:

- Consultation to SPED director and staff regarding regulatory compliance and updates in SPED laws and regulations
- Case evaluation and settlement negotiations prior to litigation
- Attendance at TEAM meetings; review of student records, evaluations, IEP's and SPED paperwork
- Interface with SPED collaboratives and out-of-district placements
- Periodic in service training for SPED staff members concerning ongoing developments in special education law and important administrative /judicial decisions.
- Consultation to address repeated or problematic SPED issues as they arise during the school year.

General Education:

- Student Handbook annual review and revision
- Consultation with School Committee and Superintendent regarding policy development
- Consultation to administrative staff, attendance officer and school resource officer regarding student discipline – investigations, hearings and appeals and interface with state agencies regarding same
- Consultation regarding investigation of harassment and discrimination claims, child abuse and CHINS reporting requirements
- Consultation regarding regulatory compliance with student records and public records requests and responses to subpoenas
- Periodic in service training for administrative staff and School Committee members concerning ongoing developments in school law and important administrative /judicial decisions.



Town of Arlington, Massachusetts

File: IHAMB Teaching about Alcohol, Tobacco, and Drugs bring forward 2nd reading

ATTACHMENTS:

Type	File Name	Description
▢ Policy	IHAMB_1st_read__12_2016_second_reading_for_SC_12_15_2016.docx	IHAMB second reading

TEACHING ABOUT ALCOHOL, TOBACCO, AND DRUGS

In accordance with state and federal law, the District shall provide age-appropriate, developmentally appropriate, evidence-based alcohol, tobacco, and drug prevention education programs in grades K-12.

The alcohol, tobacco, and drug prevention program shall address the legal, social, and health consequences of alcohol, tobacco, and drug use, with emphasis on nonuse by school-age children. The program also shall include information about effective techniques and skill development for delaying and abstaining from using, as well as skills for addressing peer pressure to use alcohol, tobacco, or drugs.

The objectives of this program, as stated below, are rooted in the Committee's belief that prevention requires education, and that the most important aspect of the policies and guidelines of the District should be the education of children and youth on healthy decision-making:

- To prevent, delay, and/or reduce alcohol, tobacco, and drug use among children and youth.
- To increase students' understanding of the legal, social, and health consequences of alcohol, tobacco, and drug use.
- To teach students self-management skills, social skills, negotiation skills, and refusal skills that will help them to make healthy decisions and avoid alcohol, tobacco, and drug use.

The curriculum, **instructional materials**, and outcomes used in this program shall be recommended by the Superintendent and approved by the School Committee.

This policy shall be posted on the district's website and notice shall be provided to all students and parents in accordance with state law. Additionally, the district shall file a copy of this policy with DESE in accordance with law in a manner requested by DESE.

SOURCE: MASC March 2016

LEGAL REFS.: M.G.L. 71:1 ;71:96

CROSS REFS: GBEC, Drug Free Workplace Policy
JICH, Drug and Alcohol Use by Students



Town of Arlington, Massachusetts

Discuss File: KEC Public Complaints about the Curriculum or Instructional Materials and decide if changes are necessary or leave as is.

ATTACHMENTS:

Type	File Name	Description
▣ Policy	KEC__Public_Complaint_12_2016.docx	KEC PUBLIC COMPLAINTS ABOUT THE CURRICULUM OR INSTRUCTIONAL MATERIALS

PUBLIC COMPLAINTS ABOUT THE CURRICULUM OR INSTRUCTIONAL MATERIALS

The School Committee, though it is ultimately responsible for all curriculum and instructional materials (including library books), recognizes the need and right of students to free access to many different types of books and materials. It also recognizes the right of the professional staff to select books and other materials supportive of the school system's educational philosophy and goals.

Criticism of a book or other materials used in the schools may be expected from time to time. In such instances:

1. If a parent/guardian requests that his/her own child not read a given book, the teacher and/or school administrator should resolve the situation, perhaps by arranging for use of alternative material meeting essentially the same instructional purpose. This does not apply however, to basic program texts and materials that the committee has adopted.
2. The committee will not permit any individual or group to exercise censorship over instructional materials and library collections, but recognizes that at times a reevaluation of certain material may be desirable. Should an individual or group ask to have any book or other material withdrawn from school use:
 - a. The person who objects to the book or other material will be asked to sign a complaint on a standard form on which he/she will document his/her criticism.
 - b. Following receipt of the formal complaint, the Superintendent will provide for a reevaluation of the material in question. He/she will arrange for the appointment of a review committee from among the faculty to consider the complaint.
 - c. The Superintendent will review the complaint and the committee's reevaluation and will render a decision in the matter. Should the decision be unsatisfactory to the complainant, he/she may appeal it to the committee.

In summary, the committee assumes final responsibility for all books and instructional materials it makes available to students; it holds its professional staff accountable for their proper selection. It recognizes rights of individual parent/guardians with respect to controversial materials used by their own children; it will provide for the reevaluation of materials in library collections upon formal request. On the other hand, students' right to learn and the freedom of teachers to teach will be respected.

LEGAL REF.: MG.L. [76:5](#)[603 CMR 26:00](#)603 CMR 26:09 **Private Right of Enforcement**

(1) Nothing in 603 CMR 26.00 shall abridge or in any way limit the right of a parent, guardian, or person affected to seek enforcement of M.G.L. c. 76, § 5 in any court or administrative agency of competent jurisdiction. (Source DESE)

603 CMR 26:10 **(There is no longer a 26:10)**

Most recently amended by the Board of Elementary and Secondary Education: June 26, 2012

CROSS REFS.: IJ, Instructional Materials
 IJJ, Selection and Adoption of Textbooks
 IJL, Selection and Adoption of Library Materials



Town of Arlington, Massachusetts

DGA Authorized Signatures, Single signer vendor-review 12/8/16 full committee direction and draft policy if necessary

Summary:

- File DGA Authorized Signatures

ATTACHMENTS:

Type	File Name	Description
▢ Policy	File._DGA__updated.docx	DGA Authorized Signatures

AUTHORIZED SIGNATURES

Payroll Warrants

Upon the election of the new School Committee chair each spring, the full committee shall authorize the Chair **or School Committee member designee**, to sign Payroll Warrants on behalf of the School Committee. School Committee members shall be notified of the date when the payroll warrant is ready for the Chair's signature and shall be entitled to review the payroll warrant.

Vendor Warrants

Vendor Warrants are payments made to vendors who provide goods and services to the Arlington Public Schools and are processed three to four times per month. The Vendor Warrant shall be signed by the Superintendent of Schools or by the Chief Financial Officer or Assistant Superintendent in the Superintendent's absence. Upon creation of a Vendor Warrant by the School Department, the full School Committee shall be notified by email or by telephone that the Vendor Warrant is ready for review and signature. To reduce delays in payments to vendors, School Committee members are asked to review the vendor warrant within two days of notification.

Vendor Warrant summaries, including an invoice date, vendor name, and payment amount, shall be placed in the School Committee Secretary's office for review by School Committee members. School Committee members should note any conflicts on approved individual payments. Conflicts could include payments to a School Committee Member for reimbursements or payments to a vendor in which a Member or a member of his or her immediate family has a financial interest. Once a Member has reviewed the summary and invoices, s/he is asked to sign the Accounts Payable cover sheet for that warrant that will serve as his/her approval of the vendor warrant. Upon the signature of four School Committee members, the warrant shall be forwarded to Town Hall for approval and processing.

A single designated member may sign the Vendor Warrant when four members of the School Committee are not available.

The full School Committee may vote on Vendor Warrants that have already been executed.

Revised: **January 2017**

LEGAL REFERENCES: MGL, 268A, Section 19:



Town of Arlington, Massachusetts

Discuss draft for recycle policy

ATTACHMENTS:

Type	File Name	Description
 Policy	Recycle_Policy_12_2016.docx	Recycle Policy 12 2016

File:

Recycling Materials

The Arlington School Department shall adhere to all Federal, State and Town of Arlington regulations regarding the disposal of recyclable materials.



Town of Arlington, Massachusetts

New Business

Summary:

- Student Activity Fee